



03 - 10 - 10

LFW

3781

Docket No.: 20898/0205348-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masaki NAKAYA et al.

Application No.: 10/598,534

Confirmation No.: 6988

Filed: September 1, 2006

Art Unit: 3781

For: SEALED CONTAINER AND
MANUFACTURING METHOD THEREOF

Examiner: Elizabeth J. Volz

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 8, 2010

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 17, 2010, please enter the following election in the above-identified application:

The Examiner has required election among the following Groups:

Group I: Claims 1, 3-10 and 12-14; or

Group II: Claims 2, 11 and 15-24.

Further, the Examiner has imposed a Species Restriction among the following species:

Species A: the invention disclosed in Fig. 1a (corresponding to claims 1, 3-5, 8-17 and 20-24);

Species B: the invention disclosed in Fig. 1b (corresponding to claims 1, 2, 4, 5, 8-14, 17 and 20-24);

Species C: the invention disclosed in Fig. 1c (corresponding to claims 1, 2, 4, 5, 8-14, 16, 17 and 20-24);

Species D: the invention disclosed in Fig. 2 (corresponding to claims 1, 2, 4-6, 8-14, 17, 18 and 20-24); and

Species E: the invention disclosed in Figs. 3a-c (corresponding to claims 1, 2, 4, 5, 8-14, 17 and 20-24).

In response Applicant elects Group I (claims 1, 3-10 and 12-14), and Species B (Fig. 1b; corresponding to claims 1, 2, 4, 5, 8-14, 17 and 20-24).

Applicant makes this election with traverse. Under U.S. patent practice, 37 C.F.R. 1.475(b)(3), states that unity of invention is satisfied for claims to different categories of inventions if the claims are drawn to a product, a process specially adapted for the manufacture of the said product, and a use of the said product.

As the present application represents the U.S. national phase of International Application No. PCT/JP2005/002985, this case is governed under the Unity of Invention rules of the PCT. The claims of Groups I and II meet the requirements for unity of invention under the PCT. In particular, it is noted that in the case of PCT/JP2005/002985, the International Search Authority, in the International Search Report, concluded that all of the claims of the PCT application meet the requirements for unity of invention..

Early consideration of this application is earnestly requested.

Dated: March 8, 2010

Respectfully submitted,

By

Richard J. Katz

Registration No.: 47,698

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorney For Applicant(s)